UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/880
12 November 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I refer to my letter dated 6 November 1997 addressed to you (S/1997/857) and to the consultations held by the Security Council on 7 November, and I should like to place on record the points set forth hereunder.

1. I should like, on behalf of my country, to express recognition and appreciation to the distinguished members of the Security Council who turned the Council's consultations into a serious meeting in the course of which they addressed the practice of the automatic and routine renewal of sanctions and clearly placed on record the positions adopted by their countries in support of rectitude and of my country and its demands as set forth in my aforesaid letter. I should also like to express appreciation to those who preferred silence in the Council, inasmuch as their silence was more eloquent than any words. By their silence they too stood by my country, which was not present in the Council.

2. My country has complied fully with all the Council's resolutions, in that:

(a) It acceded to the requests of the United Kingdom with regard to the Irish Republican Army.

(b) It deferred to France in the matter of cooperating fully with the French examining magistrate whose letter to his country's Minister for Foreign Affairs, in which he expresses his appreciation "of the way in which Libya cooperated with French justice in this inquiry", has been circulated in a Security Council document (S/1997/868, annex).

(c) It has condemned terrorism in all its forms, and it has on many occasions invited the United Nations to send whoever can enable it to verify the fact that my country has no connection with so-called terrorism. The United Nations itself has been prevented by one of its Members from undertaking this task.

Over and above all the foregoing, my country has responded positively to international proposals made by respected regional and international

/...

organizations and by a number of countries. It has agreed that its two citizens under suspicion should appear before a just and fair court.

3. Most of the peoples and countries of the world do not support the imposition of sanctions on my country. Indeed, they reject their imposition and support my country. They have affirmed their support for our demands that the sanctions be lifted forthwith. The support of the international community for my country has its reasons, and the most important of these are as follows:

(a) That the sanctions policy in general is rejected by States and peoples, including the peoples of those States that use sanctions as an instrument of foreign policy;

(b) That sanctions inflict direct and serious damage on peoples;

(c) That sanctions are imposed for indeterminate periods of time, and that once they are imposed they are not lifted;

(d) That, by virtue of the resolutions imposing them and the consequences of their application, sanctions are to be regarded as a flagrant violation of human rights;

(e) That the policy of sanctions, especially that imposed on my country, is invoked in violation of the Charter of the United Nations (Articles 27, 31, 33 and 36);

(f) That Libya has complied fully with the demands made of it;

(g) That the delay in implementing the provisions of the Council's resolutions that have yet to be given effect is due to the two countries concerned and is their responsibility, and that its consequences should not be borne by Libya and its people;

(h) That the embargo resolutions were imposed on Libya during the first years of the frenzied turmoil caused by the breakdown in the international equilibrium;

(i) That sanctions, and especially economic sanctions, represent a policy that is pursued by the United States of America against all those countries that reject its hegemony and that, with the breakdown in the international equilibrium, they have come to be applied by means of resolutions that the United States has the Security Council adopt against those same countries.

4. The deliberations of the members of the Council and my meetings with them have again confirmed that there is no problem between the Security Council and my country. It is rather the case that the problem has been fabricated by the United States and the United Kingdom for use against my country for political purposes. The question of the regrettable incident involving Pan Am flight 103 over the village of Lockerbie and the victims of that incident is no more than a pretext that these two countries have been using in order to achieve their political objectives.

5. My country has been prevented from exercising the right accorded in Articles 31 and 32 of the Charter of the United Nations because the two countries concerned are afraid that Member States may subsequently seek to exercise the same right. This would entail their full exposure to world public opinion and, in particular, to public opinion in those countries themselves, to which they give the delusion that the international community supports them in their policies. This is at variance with the truth and with the real state of affairs. They also lack any sound argument or logic that might support their allegations against my country, and so they have preferred to shirk confrontation.

At a time when my country, together with the entire international community, is looking forward to a day when the Security Council will restore its credibility, comply with the Charter, free itself completely from the hegemony of a single State and rectify the mistakes forced upon it while the frenzied turmoil was at its apogee, I should like to place on record once more the following desiderata:

(a) The sanctions imposed on my country must be lifted, because they represent the "collective punishment" of an entire people on grounds of the mere suspicion of two persons who are its citizens, who have not been questioned, who have not been brought to trial and who have not, to this day, been condemned in accordance with any judicial verdict. How can the punishment precede the verdict? How can a people five million strong that has done no wrong be punished?

(b) The Council must not accept any postponement, by any party, of the implementation of paragraph 2 of its resolution 748 (1992), particularly since those preventing the Council from implementing it are the same as those that made the demand and that framed it for the purposes of the resolution in question.

(c) The two suspects should be tried expeditiously by a just and fair court at a venue that is untainted by their prior condemnation. It goes without saying that the Security Council has never adopted anything that requires my country to extradite its citizens to a foreign State, because in doing so the Council would be acting ultra vires. It would also be a shameful violation of human rights should my country yield in such an eventuality.

(d) An envoy should be sent to my country in order to investigate the humanitarian situation created by the implementation of resolutions 748 (1992) and 883 (1993).

(e) My country insists on exercising, at an appropriate time, the right conferred in Articles 31 and 32 of the Charter without the introduction of manoeuvres that may abrogate the letter and substance of the Articles indicated.

I should be most grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abuzed Omar DORDA
Permanent Representative